

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

QUIXTAR, INC.,)	CASE NO. 3:07-CV-0505-ECR-RAM
)	
Plaintiff(s),)	MINUTES OF THE COURT
)	
vs.)	DATED: NOVEMBER 12, 2008
)	
SIGNATURE MANAGEMENT)	
TEAM, LLC d/b/a TEAM,)	
)	
Defendant(s).)	

PRESENT: HONORABLE ROBERT A. MCQUAID, JR., U.S. MAGISTRATE JUDGE

Deputy Clerk: Jennifer S. Cotter Reporter: Margaret Griener

Counsel for Plaintiff(s): Cedric Chao, James Cleland (telephonically), Miranda Du, and John Frankovich

Counsel for Defendant(s): Daniel LaCombe, and Erica Fitzgerald (telephonically)

Counsel for Subpoena Respondents: Daniel O'Brien, Michael McCormick, and Anthony Spaeth (telephonically)

PROCEEDINGS: HEARING RE: ANONYMOUS ONLINE SPEAKERS' OBJECTION (Docket #194), MOTION TO COMPEL FURTHER RESPONSES (Docket #201), and MOTION TO STRIKE (Docket #223)

9:00 a.m. Court convenes.

The Court addresses each matter in order and parties present oral argument as to their respective positions regarding said matters:

Anonymous Online Speakers' Objection (Docket #194)

The Court advises the parties that it does not believe there is a waiver in this case. The individuals who have objected do have standing. If their anonymity is taken away, they lose first amendment protection. The Court notes that Ben Dickie has stated he does not know the identity of the online speakers related to "TheChosenOnes", "IBO Minute Man", "Quixtar Is A Cult Intervention", and Free The IBO website. The Court addresses the remaining speakers applying the *Cahill* standard. *Doe v. Cahill*, 884 A.2d 451 (Del. 2005).

IT IS ORDERED that Mr. Dickie shall testify as to his knowledge of the identity of the speakers in

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the “Hooded Angry Man” video and the “Save Us Dick DeVos” blog, as the statements are presented as facts and can be considered defamatory.

IT IS FURTHER ORDERED that Mr. Dickie shall **not** be required to testify as to the identity of the speakers in the “IBO Rebellion” blog, the “Q’Reilly” blog, the “Integrity is Team” blog, and the “QSSR” blog, as the statements by these speakers are presented as opinions.

The Court and parties discuss the proposed order submitted by Plaintiff prior to the hearing. IT IS ORDERED that Mr. Chao shall prepare a new proposed order reflecting the occurrences of this proceeding and submit it to Mr. O’Brien for review. If there are disputes, the parties may bring said disputes back to the Court. Mr. McCormick suggests that, if there is not agreement as to the proposed order, Mr. Chao and Mr. O’Brien each prepare a proposed order and submit them both for the Court’s decision. The Court agrees to this suggestion.

Quixtar’s Motion to Compel Further Responses to Its Second Set of Interrogatories and Second Set of Requests for Production of Documents (Docket #201)

Ms. Du advises the Court that this motion has been resolved with respect to Interrogatory 20 and Requests for Production of Documents 116, 120, and 143-146.

With respect to Interrogatories 22-25, IT IS ORDERED that Quixtar shall be allowed to assert these as additional interrogatories with the condition that the time be limited from September, 2004 to the present. TEAM shall have thirty (30) days to respond to said interrogatories.

Regarding Requests for Production of Documents 114, 115, 122, 150, 151, and 158, IT IS ORDERED that the parties shall confer and narrow these requests to a point where TEAM will respond.

IT IS ORDERED that the Motion to Compel, as it relates to Interrogatory 18 and Requests for Production of Documents 117, 118, 129-133, 136-138, 141, 148, 153, 154-160, 161, and 162, is DENIED.

IT IS ORDERED that the Motion to Compel, as it relates to Interrogatory 19 and Requests for Production of Documents 119, 121, 123, 124, 125, 128, 139, 147, 149, 165, 168, and 169, is GRANTED to the extent as indicated on the record.

IT IS ORDERED that the Motion to Compel, as it relates to Requests for Production of Documents 135 and 152, is GRANTED IN PART AND DENIED IN PART pursuant to the terms placed on the record.

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Quixtar's Motion to Strike Reply Brief in Support of Anonymous Online Speakers' Objection and Opposition to Motion to Compel Responses from Benjamin Dickie (Docket #223)

IT IS ORDERED that the Motion to Strike (Docket #223) is DENIED.

3:08 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/

Deputy Clerk